

LABOR SERVICES DIVISION[875]

Adopted and Filed

Pursuant to the authority of Iowa Code section 88.5, the Labor Commissioner hereby amends Chapter 4, “Recording and Reporting Occupational Injuries and Illnesses,” Iowa Administrative Code.

This amendment adopts by reference changes to federal occupational safety and health regulations governing record keeping and reporting. The changes become effective over a two-year period. Employers are already required to keep data about workplace illnesses and injuries, and the federal changes require that some employers annually submit that same data electronically. The federal changes also amend two existing regulations in order to encourage more employees to report illnesses and injuries to employers.

The principal reasons for adoption of this amendment are to implement legislative intent, protect the safety and health of Iowa workers, make data about workplace illnesses and injuries more available, and make Iowa’s regulations consistent with federal regulations. Pursuant to 29 CFR 1902.7 and 1904.37, Iowa must adopt changes to the federal occupational safety and health record-keeping and reporting regulations.

Notice of Intended Action was published in the July 6, 2016, Iowa Administrative Bulletin as **ARC 2615C**. No comments were received. This amendment is identical to the amendment published under Notice of Intended Action.

No variance procedures are included in this rule. Variance procedures are set forth in 875—Chapter 5.

After analysis and review of this rule making, it has been determined that jobs could be impacted. However, this amendment is implementing federally mandated regulations, and the State of Iowa is only implementing the federal regulations. The requirements imposed on Iowa businesses by these regulations do not exceed those imposed by federal law.

This amendment is intended to implement Iowa Code chapter 88 and 29 CFR 1904.37 and 1902.7.

This amendment shall become effective on November 1, 2016.

The following amendment is adopted.

Amend rule 875—4.3(88) as follows:

875—4.3(88) Recording and reporting regulations. Except as noted in this rule, the Federal Occupational Safety and Health Administration regulations at 29 CFR 1904.0 through 1904.46 as published at 66 Fed. Reg. 6122 to 6135 (January 19, 2001) are adopted.

4.3(1) The following amendments to 29 CFR 1904.0 through 1904.46 are adopted:

- a. 66 Fed. Reg. 52031-52034 (October 12, 2001)
- b. 67 Fed. Reg. 44047 (July 1, 2002)
- c. 67 Fed. Reg. 77170 (December 17, 2002)
- d. 68 Fed. Reg. 38606 (June 30, 2003)
- e. 79 Fed. Reg. 56186 (September 18, 2014)
- f. 81 Fed. Reg. 29691 (May 12, 2016)
- g. 81 Fed. Reg. 31854 (May 20, 2016)

4.3(2) In addition to the reporting methods set forth in 29 CFR 1904.39(a), employers may make reports required by 29 CFR 1904.39 using at least one of the following methods:

- a. Completing the incident report form available at www.iowaosha.gov and faxing the completed form to (515)242-5076 or sending the completed form to osha@iwd.iowa.gov;
- b. Calling (877)242-6742; or

c. Visiting 1000 E. Grand Avenue, Des Moines, Iowa.

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